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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,985	03/08/2001	Mikael Linden	460-010145-US(PAR)	5859

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EXAMINER	
KLIMACH, PAULA W	
ART UNIT	PAPER NUMBER
2135	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/801,985	LINDEN ET AL.	
	Examiner	Art Unit	
	Paula W. Klimach	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *28-31,33 and 37-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *28-31, 33, and 37-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/11/06 has been entered.

Response to Arguments

Applicant's arguments filed 12/11/06 have been fully considered but they are not persuasive because of following reasons.

Applicant argued that neither Jonstromer nor Haartsen disclose rotatable selectors. This is persuasive. Haartsen discloses the network of auxiliary devices that have a wireless connection. Jonstromer discloses the secure connection. However, in reference to the limitation of peripheral device that does not comprise a display, the new reference Eagan discloses this limitation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 28-31, 33, and 37-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over the article by Haartsen in view of Jonstromer (6,142,369) and further in view of Eagan (5,435,185).

In reference to claims 28, 44, and 46 Haartsen discloses Bluetooth technology used to enable portable electronic devices to connect and communicate wirelessly (abstract). The system includes setting up a secure wireless data transmission link that is a short range wireless data transmission connection (abstract) between the auxiliary device and said another electronic device by using the selected key code (Figure 1). The system requires selecting said key code by using at least one selector, which is arranged for the selection (Fig. 1).

Although Haartsen discloses authentication and encryption that are methods of securing communication, Haartsen does not disclose using a key code or its part of a key code.

Jonstromer an electronic transaction system for conducting electronic financial transactions including a smart card configured to store a plurality of payer electronic credits and a communication module configured to transmit the electronic credits from the smart card to a party selected from a plurality of addressable parties accessible through a Public Switch Telephone Network (Abstract).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize the pin code of Jonstromer in the system of Haartsen. One of ordinary skill in the art would have been motivated to do this because it would identify the owner of the card by the knowledge of the PIN that only that owner of the smart card knows (Jonstromer column 4 lines 40-44).

Although Jonstromer discloses a selector for entering a Pin (Fig. 1), Jonstromer does not disclose the selector being rotatable, selector is used in a system that does not comprise a display or a keypad for user interaction. Further Haartsen discloses headphones as a part of the network.

Eagan discloses an instrument for use by a professional automotive maintenance mechanic which is capable of discriminating audible vibration sound and noise generated by under-chassis and under-hood parts and devices having mechanical faults (abstract). The headphones of this instrument do not comprise a display or a keypad for user interaction (Fig. 1). Furthermore the headphone instrument comprises a rotatable selector (part 18 Fig. 1a).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a the headphones of Eagan as wireless headphones in the system of Haartsen. One of ordinary skill in the art would have been motivated to do this because the system of Eagan is used to determine noise generated by faulty and improperly functioning automotive machinery and parts (column 1 lines 25-30) and the network of Haartsen allows the system to be connected to a network wireless data entry.

In reference to claims 29 Haartsen discloses a system wherein said peripheral device comprises one, and only one, selector arranged for entering manually said key code consisting of at least two elements, such as numbers (Fig. 1).

In reference to claims 30, 45, and 47 Haartsen discloses a system wherein said peripheral device is a hands-free set and said another electronic device is a mobile phone (Fig 1).

In reference to claim 31 Haarsten discloses a laptop that is the peripheral device and the "another" electronic device is a mobile phone (Figure 1).

Johstromer discloses a system wherein said peripheral device is a smart card reader (Fig. 5)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize the pin code of Jonstromer in the system of Haartsen. One of ordinary skill in the art would have been motivated to do this because it would identify the owner of the card by the knowledge of the PIN that only that owner of the smart card knows (Jonstromer column 4 lines 40-44).

In reference to claims 33, wherein the auxiliary device is provided without display and keypad (Figure 1). The printer headset and mouse of Haartsen. The network of Haartsen also includes a printer and headphones that do not have a display and keypad.

In reference to claims 37 and 42, wherein each element of the at least two elements corresponds to a predefined position of the rotatable selector.

The rotatable selector disclosed by Eagan indicates predefined positions on the rotatable selector (Fig. 1). Therefore in the combination of Eagan and Haartsen, a similar selector maybe designed to to correspond to at least two elements in the network of Haartsen.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a the headphones of Eagan as wireless headphones in the system of Haartsen. One of ordinary skill in the art would have been motivated to do this because the system of Eagan is used to determine noise generated by faulty and improperly functioning automotive machinery and parts (column 1 lines 25-30) and the network of Haartsen allows the system to be connected to a network wireless data entry.

In reference to claims 38, wherein the rotatable selector is configured to be pressed to accept the element.

Rotatable selectors in general are configurable to be pressed to accept the element. The system of Eagan discloses a rotatable selector (Fig 1).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a the headphones of Eagan as wireless headphones in the system of Haartsen. One of ordinary skill in the art would have been motivated to do this because the system of Eagan is used to determine noise generated by faulty and improperly functioning automotive machinery and parts (column 1 lines 25-30) and the network of Haartsen allows the system to be connected to a network wireless data entry.

In reference to claim 39, wherein the peripheral device comprises a control button for accepting the element.

The system of Eagan includes several buttons that may be designed to perform different function including accepting the element (Fig 1).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a the headphones of Eagan as wireless headphones in the system of Haartsen. One of ordinary skill in the art would have been motivated to do this because the system of Eagan is used to determine noise generated by faulty and improperly functioning automotive machinery and parts (column 1 lines 25-30) and the network of Haartsen allows the system to be connected to a network wireless data entry.

In reference to claim 40, wherein the element corresponds to a predefined motion sequence of the rotatable selector, or a combination of the predefined motion sequence and a predefined position of the rotatable selector.

The rotatable selector disclosed by Eagan includes a predefined motion sequence (Fig 1a).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a the headphones of Eagan as wireless headphones in the system of Haartsen. One of ordinary skill in the art would have been motivated to do this because the system of Eagan is used to determine noise generated by faulty and improperly functioning automotive machinery and parts (column 1 lines 25-30) and the network of Haartsen allows the system to be connected to a network wireless data entry.

In reference to claim 41, wherein the peripheral device comprises four rotatable selectors arranged for manually entering the key code, where the key code consists of four elements, such as numbers.

Rotatable selector disclosed by Eagan includes two rotatable selectors, therefore the number of selectors is a design choice (Fig 1).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a the headphones of Eagan as wireless headphones in the system of Haartsen. One of ordinary skill in the art would have been motivated to do this because the system of Eagan is used to determine noise generated by faulty and improperly functioning automotive machinery and parts (column 1 lines 25-30) and the network of Haartsen allows the system to be connected to a network wireless data entry.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W. Klimach whose telephone number is (571) 272-3854. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PWK
Tuesday, February 20, 2007

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